



Docket No. BRA4.PAU.02

Patent Application

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Raphael C. Wong

Serial No.: 09/810,783

Filed: March 16, 2001

For: COMBINATION DRUG TEST AND
ADULTERANT TEST DEVICE

Examiner: Bao-Thy L. Nguyen

Group Art Unit: 1641

Irvine, California

September 10, 2003

INTERVIEW SUMMARY UNDER 37 CFR §1.133

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Please enter the following INTERVIEW SUMMARY of record
according to 37 CFR §1.133(b), MPEP §713.04.

PARTICIPANTS

1. Examiner Bao-Thy L. Nguyen
2. Applicant's Representatives: Vic Y. Lin, Reg. No. 43,754; Timothy W. Fitzwilliam, Reg. No. 46,439.

DATE AND TYPE OF INTERVIEW: 13 August 2003, Telephonic

CLAIMS DISCUSSED: 10.

IDENTIFICATION OF THE PRIOR ART DISCUSSED: Lee, US Patent
Application No. 2002/0001854 A1

AN AGREEMENT WITH RESPECT TO THE CLAIMS WAS REACHED.

NO EXHIBITS SHOWN OR DEMONSTRATIONS MADE

SUBSTANTIVE SUMMARY

The focus of the interview was on independent Claim 10 and the physical relationship between the adulterant test strip and the drug test strip. First, the presently claimed invention recites "drug test strip disposed in the second region and detached from the adulterant test strip." The parties also discussed the meaning of "detached." Both the Examiner and the Applicant's representatives agree that the prior art teaches a drug test strip and an adulterant test strip disposed on a common membrane and having fluid barrier. The Examiner therefore contends that the prior art teaches "detached" drug and adulterant test strips. Applicant's representatives contend that the prior art fails to prevent leaching (fluid communication) between the drug and adulterant test strips, even in the presence of a fluid barrier. Further, the present invention is novel in that the drug and adulterant test strips are compartmentalized so that fluid communication between the two is impossible. Also not disclosed in the prior art, however stated in negative terms, the drug and adulterant test strips of the present invention are not disposed on a common membrane.


Examiner suggested claim language containing "separate compartments" and "fluidly separated" would overcome the cited art. Applicant's representatives also proposed an additional negative limitation: "wherein the drug and adulterant test strips are not disposed on a common membrane." Examiner indicated that this limitation may lead to allowable subject matter.

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on September 10, 2003

By: Angela Williams

Signature



Respectfully submitted,



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